

National Labor Relations Board

Weekly Summary

of

NLRB Cases



Office of Public Affairs

Washington, D.C. 20570

Tel. (202) 273-1991

Mar. 5, 2010

W-3249

CASES SUMMARIZED
VISIT WWW.NLRB.GOV FOR FULL TEXT

ADF, Inc., and its alter ego ADLA, LLC	Pawtucket, RI	2
--	---------------	---

OTHER CONTENTS

No Answer to Complaint and Compliance and Specification Case	2
Unpublished Board Decisions and Orders in Representation Cases	2
<ul style="list-style-type: none"> • Contested Reports of Regional Director and Hearing Officer • Uncontested Reports of Hearing Officer and Administrative Law Judge • Requests for Review of Regional Director's Decision and Direction of Election and Decision and Order • Miscellaneous Board Decision and Order 	
Decisions of Administrative Law Judges	4

The Weekly Summary of NLRB Cases is prepared by the NLRB Office of Public Affairs. It is in no way intended to substitute for the professional services of legal counsel, or for the authoritative judgments of the Board. The case summaries constitute no part of the opinions of the Board. The Office of Public Affairs has prepared them for the convenience of subscribers.

If you desire the full text of decisions summarized in the Weekly Summary, you can access them on the NLRB's Web site (www.nlr.gov). Persons who do not have an Internet connection can request a limited number of copies of decisions by writing The Office of Public Affairs, 1099 14th Street, NW, Suite 11550, Washington, DC 20570 or fax your request to 202/273-1789. As of August 1, 2003, Administrative Law Judge decisions are on the Web site.

ADF, Inc., and its alter ego ADLA, LLC (1-CA-45068; 355 NLRB No. 14) Pawtucket, RI, Feb. 26, 2010. The Board adopted the administrative law judge's findings that the Respondents (ADF, Inc. and ADLA, LLC) are alter egos and that they violated Section 8(a)(5) and (1) of the Act, by withdrawing recognition from the Union; repudiating ADF's collective-bargaining agreement with the Union; and laying off ADF driver Dennis Barr while retaining a less senior driver to work for ADLA, in violation of the collective-bargaining agreement. In affirming the judge's alter ego finding, the Board found it unnecessary to pass on whether there is substantial identity of ownership based on the relationship of the unmarried cohabitating owners of ADF and ADLA, in light of the record evidence that ADF owner Anthony DeFarno substantially controls the operations and finances of ADLA. The Board further found no merit in the General Counsel's contention that the judge erred in deferring to compliance litigation of DeFarno's individual liability. Member Schaumber noted that, in affirming the adverse inferences drawn by the judge against the Respondents based on their failure to comply with the General Counsel's subpoenas, he found this case to be factually distinguishable from *McAllister Towing & Transportation Co.*, 341 NLRB 394 (2004), in which he dissented in relevant part. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Liebman and Member Schaumber participated.)

Charge filed by Teamsters Local Union No. 251; complaint alleged violations of Section 8(a)(1) and (5). Hearing at Pawtucket and Providence, July 13 and Aug. 24-25, 2009. Adm. Law Judge Arthur J. Amchan issued his decision Nov. 4, 2009.

**NO ANSWER TO COMPLAINT
AND COMPLIANCE SPECIFICATION**

(In the following case, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the complaint and compliance specification.)

Drawn Metal Products Div. Co. (Autoworkers) (13-CA-45479; 355 NLRB No. 15) Niles, IL, Feb. 26, 2010 [\[HTML\]](#) [\[PDF\]](#)

**UNPUBLISHED BOARD DECISIONS AND ORDERS
IN REPRESENTATION CASES**

(In the following cases, the Board considered exceptions to Reports of Regional Director and Hearing Officer)

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

TT of NYC, LLC, d/b/a Tutor Time on Sixth, New York, NY, 2-RC-23380, Feb. 23, 2010
(Chairman Liebman and Member Schaumber)

DECISION AND DIRECTOR OF SECOND ELECTION

Rathgibson, Inc., Janesville, WI, 30-RC-06747, Feb. 23, 2010 (Chairman Liebman and Member Schaumber)

Sutter Health Sacramento Sierra Region d/b/a Sutter Roseville Medical Center, Roseville, CA, 20-RD-02475, Feb. 24, 2010 (Chairman Liebman and Member Schaumber)

(In the following cases, the Board adopted Reports of Hearing Officer and Administrative Law Judge in the absence of exceptions)

DECISION AND CERTIFICATION OF REPRESENTATIVE

St. Nicholas Home, Inc., Brooklyn, NY, 29-RC-11807, Feb. 25, 2010

DECISION OF CERTIFICATION OF RESULTS OF ELECTION

Mid-Atlantic Regional Council of Carpenters, an affiliate of the United Brotherhood of Carpenters and Joiners of America, Washington, DC, 5-RC-16371, Feb. 25, 2010

(In the following case, the Board granted the request for review of the Decision and Direction of Election (D&DE) and Decision and Order (D&O) of the Regional Director)

Ace Car & Limousine Service, Inc., Brooklyn, NY, 29-RD-01140, Feb. 22, 2010 (Chairman Liebman and Member Schaumber)

Miscellaneous Board Decision and Order

[CERTIFICATION OF REPRESENTATIVE AS BONA FIDE UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938]

State of Connecticut, Hartford, CT, 34-WH-00002, Feb. 25, 2010

DECISIONS OF ADMINISTRATIVE LAW JUDGES

First Transit, Inc. (Individuals) North Las Vegas, NV, Feb. 23, 2010, 28-CA-22431, 22471; JD(NY)-07-10, Judge Steven Fish.

Great Lakes Granite and Marble Co. (an Individual) Newark, NJ, Feb. 23, 2010, 7-CA-51922; JD-11-10, Judge Michael A. Rosas.

Lee's Industries, Inc., et al. (an Individual) Philadelphia, PA, Feb. 25, 2010, 4-CA-36904; JD-08-10, Judge Robert A. Giannasi.

Classic Fire Protection, LLC (Plumbers Local 669) Louisville, KY, Feb. 26, 2010, 9-CA-44812, et al.; JD-13-10, Judge Eric M. Fine.

J. T. Thorpe and Son, Inc. (Laborers Local 295) Salt Lake City, UT, Feb. 26, 2010, 27-CA-21099, et al.; JD(SF)-09-10, Judge William L. Schmidt.
